

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**CODY J BAILEY**  
Claimant

**BROCKWAY MECHANICAL & ROOFING**  
Employer

**APPEAL 19A-UI-08375-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/13/19  
Claimant: Appellant (1)**

Iowa Code § 96.6(3) – Appeals  
Iowa Admin. Code r. 871-24.19(1) – Determination and Review of Benefit Rights  
Iowa Admin. Code r. 871-24.28(6-8) – Prior Adjudication

**STATEMENT OF THE CASE:**

On October 25, 2019, the claimant filed an appeal from the October 23, 2019, (reference 03) unemployment insurance decision that denied benefits based upon a decision in a prior benefit year for the same separation. After due notice was issued, a hearing was held by telephone conference call on November 15, 2019. Claimant participated personally. Employer participated through payroll employee Shannon McKenzie. Official notice was taken of the administrative record.

**ISSUE:**

Was the separation adjudicated in a prior claim year?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The separation at issue has been adjudicated in a prior claim year effective October 14, 2018, as the unemployment insurance decision dated July 23, 2019, (reference 06). That decision denied benefits. Claimant appealed that decision and a hearing was scheduled with an administrative law judge. However, he did not appear for the hearing and his appeal was dismissed in Appeal Number 19A-UI-06086-DB-T. Claimant has not appealed that decision to the Employment Appeal Board and it remains in effect.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the separation at issue has been adjudicated in a prior claim year.

No disqualification is imposed if a decision on this same separation has been made on a prior claim by a representative of the department and such decision has become final. Iowa Admin. Code r. 871-24.28(6-8) and 871-24.19(1).

Inasmuch as the issue presented was resolved in a prior claim year, the current decision, referring to the prior claim year decision for the same separation date, is affirmed.

**DECISION:**

The October 23, 2019, (reference 03) unemployment insurance decision is affirmed. The prior decision on the separation remains in effect.



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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
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Fax (515)478-3528

November 22, 2019  
Decision Dated and Mailed

cal/scn